court as not binding upon it was substantially identical with that involved in the present case. See also *Little v. State,* 90 Ind. 338; *Hale v. State,* 55 Ohio St., 210; *Hawes v. State,* 46 Neb. 149. "That it is not competent for the legislature to abridge the powers of courts to punish summarily such wrongful acts as obstruct the administration of justice has been held in well-considered cases. The conclusion is a necessary inference from the very numerous cases in which it has been held that the power inheres in courts independently of legislative authority. A power which the legislature does not give, it cannot take away. If power, distinguished from jurisdiction, exists independently of legislation, it will continue to exist notwithstanding legislation." *Hale v. State, supra.* The Supreme Court of the United States has expressed doubt as to whether an act of Congress limiting the powers of the United States courts to punish for contempt would be binding upon it, while at the same time deciding that the act was binding upon the lower courts which were themselves created by Congress. *Ex parte Robinson,* 19 Wall. 505. The only case maintaining the opposite view seems to be *In re Oldham,* 89 N. C. 23, where handbills containing an account of a case were given to a juror summoned to serve at a term of court at which the case was to come up for trial. It was held that the statute was operative in confining contempts to the acts specified.

While the power of the legislature to abridge is thus almost universally denied, it is acknowledged that it may regulate the methods of procedure, and that such regulations will be binding. *Wyatt v. People,* 17 Colo. 252; *In re Shortridge,* 99 Cal. 526.

WILL EQUITY ENFORCE A FORFEITURE?

Until within a few years it has been universally held by courts of equity that no principle was more firmly established than this, that Equity will never lend its aid actively to enforce a forfeiture. Story says, "It is a universal rule in equity, never to enforce a forfeiture." 2 *Story Eq. Jur.,* section 1319. In 1 *Pom. Eq. Jur.* section 459, 460 it is stated that, "It is a well-settled and familiar doctrine that a court of equity will not enforce a forfeiture. The few apparent exceptions to this doctrine are not real exceptions, since they all depend upon other rules and principles. * * * There are, in fact, no exceptions to this doctrine; those which appear to be exceptions, are not so in reality." See also 2 *Beach Eq. Jur.* 1013. Very recently, however, certain courts, and following them the text-book authors, have apparently concluded that the rule has been too broadly expressed, and have introduced certain exceptions which appear to be not merely apparent but real. Thus Mr. Bispham says: "In some cases, however, the enforcement of a forfeiture may be regarded in equity with favor." *Bisp. Eq.* section 181 (6th ed.); citing *Brown v. Vandergrift,* 80 Pa. St. 142 (1875). In that case there was a lease of oil lands for 20 years, with a stipulation for

forfeiture unless operations should be commenced within sixty days. The lessee did not commence operations and further failed to pay his monthly rent as agreed. At the end of fifteen months a court of equity forfeited the lease on the ground that in such a case time was of the essence of the contract, and that equity would follow the law and enforce a forfeiture in order to do justice. The rule was stated to be that though equity abhors a forfeiture when it works a loss that is contrary to equity, it will enforce a forfeiture when to do so will work equity and protect the party seeking the forfeiture against the indifference and laches of the other party. This qualified statement of the rule was approved and followed, in a case involving a similar state of facts, in *Monroe v. Armstrong,* 96 Pa. St. 307 (1880). In a very recent case in Michigan, (*Negaunee Iron Co. v Iron Cliffs Co.,* 96 N. W. 468) it has had the sanction of the Supreme Court of that State also.

In this case a mining-lease for ninety-nine years was made to the defendant corporation in 1857, the lessor reserving to himself an individual one-half of all minerals contained in the property. The lessee made no attempts to mine on the land other than to make slight explorations. Later the complainant corporation acquired the interest of the lessor, expended large amounts, and developed valuable mines on the property. In 1900 the defendant corporation, which during the intervening period had stood by in silence and done nothing, served notice on the complainants that it proposed to commence operations under its lease. On a bill to quiet title being filed, a court of equity decreed the forfeiture of the defendant's lease.

These cases seem to establish a well-marked and well-founded exception to the general rule. The express purpose of the complainants in coming into equity was to enforce forfeitures, and the decrees of the courts were intended to accomplish that result. It seems hardly possible to say, in view of the facts, that these cases present exceptions which are "apparent, and not real." They come in none of the classes of what Prof. Pomeroy terms "apparent exceptions." We seem to see in them rather an illustration of the unwillingness of equity to be bound by any rule, however apparently universal, when its application would result in iniquity rather than equity; and of the "creative faculty" of equity which, as Mr. Bispham expresses it, has given birth in the past to the principles which compose it, and still continues in modern times to be energetic and productive, constantly modifying the old doctrines and inventing new ones, as justice demands.

THE CONSTITUTIONALITY OF THE MINIMUM WAGE LAW.

It is doubtful if any doctrine advanced by the courts in recent years has met with more general difference of opinion than that class of cases in which the legislature has attempted to exercise its police power in favor of some special class of people or of the